

<b>Description</b>	County Planning Board July 28, 2009		
<b>Date</b>	07/28/2009	<b>Location</b>	County Planning
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:01:39 PM</a>	President Kerry White	Call to Order. Members present: Kerry White, Marianne Jackson Amsden, C.B. Dormire, Don Seifert, Mike McKenna, Gail Richardson, Julien Morice, Susan Riggs, Byron Anderson and Pat Davis. Staff Present: Interim Planning Director Sean O'Callaghan, County Administrator Earl Mathers, Planner Warren Vaughan, and Recording Secretary Glenda Howze.	
<a href="#">6:01:48 PM</a>	President Kerry White	Public Comment.	
<a href="#">6:03:33 PM</a>		There was no public comment on matters not on the agenda.	
<a href="#">6:03:34 PM</a>	President Kerry White	Approval of July 14, 2009 Minutes.	
<a href="#">6:03:43 PM</a>	Byron Anderson	Noted that [time stamp 6:34:04] second sentence should read "The Commission had increased our budget from \$185,000 to \$210,000."	
<a href="#">6:04:21 PM</a>		The minutes stand approved as amended.	
<a href="#">6:04:29 PM</a>		Planning Department Update.	
<a href="#">6:04:39 PM</a>	Sean O'Callaghan, Interim Planning Director	Noted congratulations to board members White, McKenna, Morice and Riggs on their reappointment to the board and also noted that a new board member, Doug Espelien was appointed and will begin at a future meeting. Also noted that at the public meeting today Larry Watson opened the RFP's that were received for the Wastewater study. Three were received from Stahly Engineering, Great West Engineering and Allied Engineering. Noted the legislative update was provided as part of the board packet and offered assistance in looking up the associated bills or answering questions if any board member desires.	
<a href="#">6:06:49 PM</a>	President Kerry White	Regular Agenda. a. Public Hearing and Decision on a Resolution Recommending to the County Commission that the Commission Adopt the proposed Four Corners Zoning Regulation and Zoning District Map.	
<a href="#">6:07:03 PM</a>	Warren Vaughan, County Planner	Presentation including the placement of new public comment into the record.	
<a href="#">6:18:33 PM</a>		Board discussion and questions with staff regarding various sections	

		of the regulation that appear to be in conflict with one another, set backs and ag water conveyance facilities, open cut operations, prohibited signage and locations affected, fence and wall regulations, and compliance with the County's subdivision regulations.
<a href="#">6:30:14 PM</a>	Kathy Fisher	Continuation of presentation.
<a href="#">6:36:15 PM</a>	Richard Smith	Continuation of presentation.
<a href="#">6:57:05 PM</a>	Diane Elliott	Continuation of presentation.
<a href="#">7:04:36 PM</a>		Board discussion and questions with presenters regarding commercial versus residential districts, lighting and signage regulations, and the use of the word "permitted" when the word "allowable" may be more appropriate.
<a href="#">7:13:01 PM</a>	Public Comment	Don Hargrove, Bob Lee (Morrison Maierle), Tamzin Brown, Karen Tkach, Paul Boylan, Ronald Page, Scott Benowitz, Tony Kolnik, George Metcalf, and Jim Ryffel.
<a href="#">7:46:44 PM</a>	Debra Walberg	Finalized the "applicants" presentation and offered thanks to the GIS Department, Planning Department and specifically Warren Vaughan for all of their assistance.
<a href="#">7:53:56 PM</a>		Public comment closed.
<a href="#">7:54:00 PM</a>		Board discussion.
<a href="#">7:54:07 PM</a>	President Kerry White	Belgrade's jurisdiction: This Board's duty and role as a Planning Board is to review zoning regulations and bring forward recommendations on the regulation, map and the boundaries and the uses within those. Our jurisdiction ends at the planning boundaries of other jurisdictions. In order to move this forward to review only those areas under the jurisdiction of the Planning Board we need to put on the floor a motion to do that.
<a href="#">7:54:53 PM</a>	C.B. Dormire	[Referred to the map that is attached to the staff report] I so move that we approve the boundary as shown on the map provided that it exclude any land within the boundary of Belgrade's Planning Jurisdiction.
<a href="#">7:57:00 PM</a>	Gail Richardson	Second.
<a href="#">7:57:24 PM</a>		Vote: 9-0-1; Member Davis abstained.
<a href="#">7:57:36 PM</a>	President Kerry White	The next motion needed is to address the change to Valkyrie property on the five lots, which would be a change in the area of the Northstar Subdivision Multi-Family Phase 2, lots 11, 12, 21, 22 and 23 [as presented in Public Comment by Bob Lee, Morrison Maierle].

<a href="#">7:57:58 PM</a>	Julien Morice	Commented that he has some knowledge on those lots. Noted which ones are being developed and that the owners of those lots are not aware of this suggested change. Suggested that those owners should be notified of the potential change and given the opportunity to comment.
<a href="#">7:59:37 PM</a>		Board discussion and comment on options for moving forward with the recommendation in light of the Valkyrie request. Options include making a recommendation on the change to the five lots in addition to the overall recommendation or forwarding the request on to the Commissioners for them to address without a formal recommendation by the Planning Board, after the adjoining neighbors have been properly notified. If the plan is approved without this change the owners of the property would have the opportunity to request a zone map amendment at a later point. The neighborhood planning group did give their approval of the change.
<a href="#">8:16:49 PM</a>	Marianne Jackson Amsden	I would like to move that this Planning Board recommend to the Commission that they adopt the proposed Four Corners Neighborhood jurisdiction map as presented tonight by Mr. Vaughan, with identified uses here.
<a href="#">8:17:09 PM</a>	Don Seifert	Second.
<a href="#">8:17:18 PM</a>		Vote: Unanimous.
<a href="#">8:17:31 PM</a>		Findings:
<a href="#">8:17:33 PM</a>	Don Seifert	I understand the need and desire to change the lots in the Northstar Subdivision to mixed-use zoning. There hasn't been enough time for notification of the surrounding lot owners and that the subsequent time between our meeting and the Commission meeting should give appropriate time for the lots owners to be notified and make their concerns or wishes known at the Commission meeting.
<a href="#">8:18:20 PM</a>	Marianne Jackson Amsden	I'd like to make the finding that based on the prior discussion, it seems that a majority of this Planning Board would be in favor of amending the zoning map to allow for mixed-use in the Northstar Subdivision as denoted in Bob Lee's handout. The only argument against doing so was the fact that the lots currently under development within Northstar were not notified of this change.
<a href="#">8:18:54 PM</a>	Byron Anderson	I would be a little cautious of using words "majority of the Board" without any kind of vote being taken.
<a href="#">8:19:29 PM</a>	Gail Richardson	I'd like to add to the findings that we find that the Four Corners Zoning District Boundaries and Map substantially comply with the goals and policies of the Gallatin County Growth Policy and the Four Corners Community Plan. Also that it meets the procedural requirements of Montana Code Annotated section 76-2-201 and that

		we have considered at length public testimony which was all very positive.
<a href="#">8:20:34 PM</a>	Marianne Jackson Amsden.	Commented on lack of "trails" being included in Section 9.3.1 Purpose of the zoning regulation and asked if it could be included.
<a href="#">8:23:26 PM</a>	Warren Vaughan	Stated that it should not be a problem to add the word trails to this section.
<a href="#">8:24:03 PM</a>	Don Seifert	Commented on Page 10-1, Definitions, Agriculture - "animal feeding operations." The appropriate term should be "confined animal feeding operation" and should be included in this section in the last sentence. Also commented on the CUP process in the gravel pit section and the half-mile restriction. Suggested that the CUP process should be the same as the interim zoning gravel pit CUP process. The process would be a part of this regulation and even if the rest of the County doesn't have this process in place, the Four Corners area will have this process in place for gravel pits in the future.
<a href="#">8:29:12 PM</a>		Board discussion and questions on this recommendation.
<a href="#">8:31:11 PM</a>	Warren Vaughan, County Planner	Clarified the suggestion made by Member Seifert and stated that the standards would stay the same but the process would be added to the document as an addendum and a requirement to be followed for all applications for mining operations.
<a href="#">8:32:31 PM</a>	Byron Anderson	Stated that he would agree to Member Seifert's proposal as long as the proposing group was also in agreement with the suggestion.
<a href="#">8:32:50 PM</a>	Julien Morice	I like everything in 9.2.8 except the one-half mile restriction. One resident shouldn't be able to take someone's property right away. It should be more of a public process where everyone has comment and it is voted on rather than that type of power given to just one neighbor.
<a href="#">8:33:41 PM</a>	Gail Richardson	I think that these folks have been working on this language for 2.5 years. I'm referring to 9.2.8 on page 9-7, open cut operations. I think that language should stand. I would be amendable to add Warren's example of a sentence to use the interim gravel pit language, but I think it would be opening a can of worms at this point, which wouldn't be effective.
<a href="#">8:34:37 PM</a>	Don Seifert	I am also very uncomfortable with the half-mile item. Read a statement into the record: Land use is like a kindergarten art project. Subdivision Regulations are the scissors that cut the paper and Zoning Regulations are the color crayons used to decorate the paper. A 201 Zoning District is where, generally, one property owner voluntarily gives up some of their property rights to the

		<p>community for the perceived good of the community. However, there are some rights that Montana law does not allow property owners to transfer or the zoning district to accept. One is the "Right to Farm" another is the "Right to Mine Sand and Gravel." MCA 76-2-209 says that there is no resolution or rule adopted pursuant to the provisions of this part that "...may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner of any mineral, forest, or agricultural resource." (2) "The complete use, development, or recovery of a mineral by an operation that mines sand and gravel or an operation that mixes concrete or batches asphalt may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners." and part three says "Zoning regulations adopted under this chapter may reasonably condition, but not prohibit, the complete use, development, or recovery of a mineral by an operation that mines sand and gravel and may condition an operation that mixes concrete or batches asphalt in all zones other than residential." That means that in a residential area you can prohibit but in any other area you cannot. You can, however, reasonably condition those areas other than residential. I believe that the provisions of section 9.2.8 of the Four Corners Zoning District would in effect allow for the prohibition of development or recovery of the mineral resource in areas where it could be allowed. While I support the efforts of the Four Corners Community I cannot support the inclusion of the one-half mile limit from residential structures. I would recommend that this committee pass this on as written with the one-half mile in there however we make findings similar to what we did with Northstar about our concerns about that so that they are passed on to the Commission as well. I support everything that you've done but the half-mile thing is of great concern to me and I believe that the Commission needs to deal with it.</p>
<a href="#">8:38:18 PM</a>	President Kerry White	I appreciate you bringing that forward to us. That is very important state law that needs to be addressed.
<a href="#">8:39:06 PM</a>		There are no pits currently within the proposed district boundaries. The right to farm and the right to mine may not be restricted from one property owner to the next.
<a href="#">8:39:26 PM</a>	C.B. Dormire	Suggested that whoever reads the findings into the record should note that the word "existing" in 9.2.8.A. is ambiguous. Also stated that the Planning Board ought not to tinker with any substantive changes within the document after the many years of work that has gone into it.
<a href="#">8:40:36 PM</a>	Julien	I went to a few of the neighborhood meetings and can vouch for

	Morice	everyone that was involved. There were people from all walks at the meetings with a lot of conflict. For them to come to some resolve on these issues, that indicates a lot of perseverance. This is a well-written document. I will certainly support it with the comment that the Commission note the concerns about the half-mile provision. It is amazing what has been put together here.
<a href="#">8:41:50 PM</a>	Don Seifert	I move that we accept the Four Corners Zoning Text Regulation draft, July 2009.
<a href="#">8:42:23 PM</a>	Mike McKenna	Second.
<a href="#">8:42:29 PM</a>	Don Seifert	I'd like to make an amendment to my motion. I move to recommend an amendment to the regulation, to the text, which adds a CUP process specific to gravel pits. Specifically move to recommend an amendment be made to section 9.2.8 which requires new open cut operations to go through County's "Interim Zoning Process for Gravel Pits." As part of the motion I move to recommend that the County's Interim Zoning CUP Process be added as an appendix to the regulation.
<a href="#">8:43:12 PM</a>	Gail Richardson	Second.
<a href="#">8:43:24 PM</a>		Board discussion regarding clarification on the motion.
<a href="#">8:44:49 PM</a>	Marianne Jackson Amsden	Excellent, I'm in support of it.
<a href="#">8:44:55 PM</a>		Vote [amendment to main motion]: 8-1-1; Member McKenna opposed, Member Morice abstained.
<a href="#">8:45:53 PM</a>	Susan Riggs	Suggested that in section 9.4.2.A.i. be clarified by stating that in exchange for allowing the two rows of parking (between the business and any of the main arterials) as a reward for having primary building entrances address the street. This would do a lot for policy seven promoting quality street scapes. If we don't make this change, the result could be detrimental with service entrances facing the primary entry ways [into the community].
<a href="#">8:48:57 PM</a>		Board discussion, including applicant Debra Walberg, regarding this suggested change. Concerns were expressed about this type of change being made at this point in the process. The committee would be welcome to present this type of change to the Commission at their hearing.
<a href="#">8:57:48 PM</a>		Vote [main motion]: Unanimous.
<a href="#">8:58:09 PM</a>		Findings:

<a href="#">8:58:46 PM</a>	Don Seifert	I would like to find that 9.2.8, the reference to the half-mile in here, in essence would allow for prohibition of open cut mining where it would be allowed. The half-mile effectively would perform prohibition.
<a href="#">8:59:20 PM</a>	C.B. Dormire	We never did address Tony's [Kolnik] point on enforcement. His point was that enforcement should not be limited to an outside complaint but if the County discovers a violation on its own that it can pursue enforcement without a complaint. [It was noted that this provision is already included in the regulation to allow for enforcement by the Compliance Officer.] Requested that a statement be added to request that the Commissioners consider that the Planning Board thinks that enforcement should not be limited to a complaint, if a violation is known it should be addressed prior to a complaint being made.
<a href="#">9:01:51 PM</a>	President Kerry White	Stated that 9.2.3.C.i could potentially be in conflict with 9.4.3. Also, the County Attorney may not have looked at 9.2.8 to make a determination if this was legal. This might be the desire of the committee for County Attorney's Office to look at this area more. [Mr. Vaughan noted that the Attorney's Office has indicated that they think this is acceptable.]
<a href="#">9:03:14 PM</a>	Warren Vaughan, County Planner	This item will be before the County Commission on August 11, 2009.
<a href="#">9:03:19 PM</a>	Marianne Jackson Amsden	Added a finding to adopt the staff findings in the staff report how the regulation fits into all of the criteria that we had to consider and also that the public comment was unanimously in support of this plan.
<a href="#">9:04:03 PM</a>	Don Seifert	Offered congratulations to the neighborhood members who have worked on this plan and offered them best of luck in the next steps.
<a href="#">9:04:57 PM</a>	Gail Richardson	Echoed the comments of other board members and congratulated the group.
<a href="#">9:05:19 PM</a>	Byron Anderson	Congratulated the group members as well. Stated that this was a wonderful open door procedure with compromise. Any zoning that takes place in this county, this is the process that it needs to go through.
<a href="#">9:06:19 PM</a>	Mike McKenna	Offered congratulations and stated that this group has "invented a wheel" for others to use in the future as well as for the Planning Board to follow.
<a href="#">9:07:07 PM</a>		Meeting adjourned.

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